

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	
)	WC Docket No. 05-337
Developing an Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	
)	WC Docket No. 03-109
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

**PETITION FOR LIMITED WAIVER OF HAWAIIAN TELCOM, INC. OF CALL
SIGNALING RULES**

Hawaiian Telcom, Inc. (“Hawaiian Telcom”) hereby requests a limited waiver of the call signaling rules adopted by the Commission as part of the *USF/ICC Transformation Order*.¹ In general, Hawaiian Telcom supports the Commission’s new phantom traffic rules (which includes the call signaling rules) and is willing and able to comply with them in the vast majority of

¹ *Connect America Fund, et al.*, Report and Order & Further Notice of Proposed Rulemaking, WC Docket Nos. 10-90, *et al.*, FCC 11-161 (Nov. 18, 2011) (“*USF/ICC Transformation Order*”), *pets. for review pending*, *Direct Comm’n’s Cedar Valley, LLC v. FCC*, No. 11-9581, *et al.* (10th Cir., filed Dec. 18, 2011). The call signaling rules are to be codified at 47 C.F.R. § 64.1601(a)(1)-(2) (the “call signaling rules”).

circumstances. A waiver of the rules is necessary, however, because it is not feasible for Hawaiian Telcom to implement the new call signaling rules in certain circumstances affecting a limited amount of traffic. Grant of a waiver in this instance is consistent with the public interest and justified by the good cause standard. For reasons similar to those expressed in the waiver petitions filed by Verizon,² AT&T,³ and CenturyLink,⁴ Hawaiian Telcom faces specific technical impediments that make it impractical to comply with the call signaling rules. Because Hawaiian Telcom addresses these limited technical circumstances through standard carrier negotiations which properly identifies and compensates for the jurisdictional nature of the traffic associated with such calls, grant of the waiver is consistent with the Commission's intent in creating the call signaling rules. Therefore, Hawaiian Telcom urges the Commission to grant the instant waiver petition.⁵

I. GRANT OF A LIMITED WAIVER OF THE CALL SIGNALING RULES IS IN THE PUBLIC INTEREST.

In the *USF/ICC Transformation Order*, the Commission adopted revisions to its call signaling rules.⁶ The rules require transmission of calling party number ("CPN") and charge number ("CN"), if CN is different from CPN, for voice traffic that utilizes the public switched

² Wireline Competition Bureau Seeks Comment on Verizon Petition for Limited Waiver of Call Signaling Rules, CC Docket Nos. 01-92, *et al.*, Public Notice, DA 12-231 (Feb. 16, 2012).

³ Wireline Competition Bureau Seeks Comment on AT&T Petition for Limited Waiver of Call Signaling Rules, CC Docket Nos. 01-92, *et al.*, Public Notice, DA 12-34 (Jan. 10, 2012).

⁴ Wireline Competition Bureau Seeks Comment on CenturyLink Petition for Limited Waiver of Call Signaling Rules, CC Docket Nos. 01-92, *et al.*, Public Notice, DA 12-104 (Jan. 30, 2012).

⁵ Verizon has asked the Commission to reconsider the call signaling rules insofar as they do not contain a technical feasibility exception. Petition for Clarification or, in the Alternative, for Reconsideration of Verizon, WC Docket Nos. 10-90, *et al.* (Dec. 29, 2011) ("Verizon Reconsideration Petition").

⁶ *USF/ICC Transformation Order*, ¶¶ 704, 710.

network (“PSTN”), regardless of the jurisdiction or technology used to generate the call.⁷ In addition, the rules prohibit an intermediate provider from modifying the call signaling information provided by a carrier that precedes it in the routing of a call.⁸ The Commission considered, but ultimately decided not to include any, exceptions to its rules out of concern that exceptions could undermine the rules.⁹ However, in recognition of the technical limitations of existing signaling equipment, the Commission indicated that carriers could utilize the waiver process to address compliance problems with the rules.¹⁰

A. It is not Technically Feasible to Transmit Charge Number for all SS7-Capable Equipment Currently Deployed in Hawaiian Telcom’s Network.

At the time many SS7-capable switches were designed and deployed in Hawaiian Telcom’s network, the applicable industry standard for intrastate traffic did not require the use of the CN field. Consequently, many of these switches do not have the ability to generate and pass CN in this signaling field when it is different from CPN. Specifically, certain customers purchasing PBX and Centrex services typically have dedicated access to Hawaiian Telcom switches and did not need or assign CPNs. Such services are exempt from the call signaling requirements in the rules.¹¹ Notwithstanding, Hawaiian Telcom transmits to other carriers the CPN that customers deliver to Hawaiian Telcom.

Prior to the *USF/ICC Transformation Order*, the rules did not require carriers to submit CN in signaling information, and therefore the CN field is not used for signaling purposes. As a consequence, CN has been populated, if at all, with a variety of numbers that don’t necessarily

⁷ *Id.*

⁸ *Id.*, ¶ 704

⁹ *Id.*, ¶ 723.

¹⁰ *Id.*

¹¹ 47 C.F.R. § 64.1601(d)(3).

accurately identify the location of the customer. It would require costly and time-consuming modifications to address this issue. But even if these burdensome actions were justified, it would be technically infeasible to complete them, especially for switches that are no longer supported by the manufacturer. And given the short amount of time that intercarrier compensation transition will be in place, such substantial equipment modifications would be wasteful, and would divert capital from deploying broadband networks.

Granting a limited waiver of the rule that requires passing CN if different from CPN will not undermine the goals of the new call signaling rules. The main reason for adopting the call signaling rules is to ensure the accurate billing of calls. Hawaiian Telcom uses established industry practices to estimate the jurisdiction nature of traffic to ensure proper billing. Therefore, grant of such a waiver is in the public interest because of the significant financial and operational burdens to fully implement the new rules, the limited amount of such traffic, and the relatively small benefit terminating carriers may obtain from receiving CN for all intrastate calls at this time.

B. Due to Older MF Signaling Technology, It is not Technically Feasible to Comply with the Call Signaling Rules.

The new call signaling rules also require that all providers of PSTN-bound voice communications that utilize MF trunks pass CPN (or CN if different) in the automatic number identification (ANI) field.¹² As with other parts of these rules, the Commission in the *USF/ICC Transformation Order* informed carriers to seek waivers if their networks could not comply with the MF signaling requirements.¹³

¹² 47 C.F.R. § 64.1601(a)(1).

¹³ See *USF/ICC Transformation Order* ¶ 716.

Hawaiian Telcom is similarly situated to Verizon concerning MF signaling: it is not technically feasible for Hawaiian Telcom to pass CPN/CN in accordance with the MF signaling requirement for all PSTN-bound voice traffic traversing MF trunks. For instance, like Verizon, Hawaiian Telcom utilizes some MF trunking to support its operator services and directory assistance platforms. For intrastate traffic exchanges, the MF equipment deployed in Hawaiian Telcom's network was not designed to signal CPN or CN as contemplated by the Commission's new rules. The industry standard for MF signaling does not specify this parameter for the ANI field; and therefore, it is not technically feasible to populate the ANI field in this manner. In order to comply with the rule, Hawaiian Telcom would need to replace existing MF equipment. For the reasons discussed above, any replacement of MF facilities would certainly impose a significant economic burden and divert resources away from broadband deployment. As stated previously, upgrades of old technology will not provide terminating carriers with additional useful information to help them jurisdictionalize their traffic. Accordingly, it would not further the public policy goals of the rules to require Hawaiian Telcom to replace MF equipment under these circumstances.

II. WAIVER STANDARD

The Commission's rules permit grant of a waiver when necessary to eliminate hardship or undue economic burden.¹⁴ Waivers may be granted if petitioner shows good cause therefor, and where strict application of the rules would be contrary to the public interest.¹⁵ As explained more fully above, it would be technically infeasible, and extremely costly and burdensome, to comply with the call signaling rules in the small number of situations outlined in this waiver

¹⁴ 47 C.F.R. § 1.3.

¹⁵ See *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. 1990).

petition. Therefore, Hawaiian Telcom has demonstrated good cause to grant its request for limited waiver.

III. CONCLUSION

For all the reasons stated in this petition, the Commission should grant Hawaiian Telcom's request for a limited waiver of the new call signaling rules.

Respectfully submitted,

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